



AIR TRANSPORT ASSOCIATION

February 25, 2003

U.S. Department of Transportation
Docket Management System
400 7th Street SW, Plaza 401
Washington, DC 20591-0001

Ladies/Gentlemen:

The Air Transport Association of America, Inc. (ATA), is submitting the attached petition for rulemaking to amend certain provisions of 14 CFR §121.391(a) and §121.393(b). The proposed amended rules would permit a flight attendant to communicate with company or airport personnel via the jet bridge telephone located adjacent to the aircraft door while passengers are boarding, deplaning or are on board, in order to perform safety, security and/or passenger service duties.

We believe that this petition contains no significant safety or policy issues; nor does it raise technical issues. Since the petition is relatively simple, and uncomplicated ATA respectfully requests “expedited” handling of this petition for rulemaking. Also, ATA would like to request an estimated time frame to move the petition through FAA’s rulemaking process.

If you have any questions or need additional information, please call.

Very truly yours,

AIR TRANSPORT ASSOCIATION
OF AMERICA, INC.

By: _____

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Ladies/Gentlemen:

In accordance with 14 CFR § 11.61, the Air Transport Association of America, Inc. (ATA), on behalf of its member airlines,^{1/} petitions the Federal Aviation Administration (FAA) for rulemaking to amend certain provisions of 14 CFR §121.391(a) and §121.393(b).

The proposed amendment would permit a flight attendant to communicate with company or airport personnel via the jet bridge telephone located adjacent to the aircraft door while passengers are boarding, deplaning or are on board, in order to perform safety, security and/or passenger service duties.

Federal Aviation Regulations

Section 121.391 of the Federal Aviation Regulations (FAR) establishes minimum requirements for the number of flight attendants during different phases of operation, depending upon the size of the aircraft's payload and passenger seating capacity. For flight operations, FAR §121.391(a) states:

- (a) Each certificate holder shall provide at least the following flight attendants on each passenger-carrying airplane used:
 - (1) For airplanes having a maximum payload capacity of more than 7,500 pounds and having a seating capacity of more than 9 but less than 51 passengers--one flight attendant.
 - (2) For airplanes having a maximum payload capacity of 7,500 pounds or less and having a seating capacity of more than 19 but less than 51 passengers--one flight attendant.

^{1/} Members: Airborne Express, Alaska Airlines, Aloha Airlines, America West Airlines, American Airlines, American Trans Air, Atlas Air, Continental Airlines, Delta Air Lines, DHL Airways, Emery Forwarding, Evergreen International, Federal Express, Hawaiian Airlines, JetBlue Airways, Midwest Express Airlines, Northwest Airlines, Polar Air Cargo, Southwest Airlines, United Airlines, United Parcel Service, US Airways. Associate Members: Aeromexico, Air Canada, Air Jamaica, KLM Royal Dutch Airlines, and Mexicana.



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- (3) For airplanes having a seating capacity of more than 50 but less than 101 passengers--two flight attendants.
- (4) For airplanes having a seating capacity of more than 100 passengers--two flight attendants plus one additional flight attendant for each unit (or part of a unit) of 50 passenger seats above a seating capacity of 100 passengers.

On the other hand, FAR §121.393(b)¹ sets forth crewmember requirements at stops where passengers remain on board (intermediate stops). At intermediate stops, certificate holders may reduce by half the number of flight attendants otherwise required. Specifically, FAR §121.393(b) states:

At stops where passengers remain on board, the certificate holder must meet the following requirements:

- (b) On each airplane for which flight attendants are required by FAR §121.391(a), but the number of flight attendants remaining on board is fewer than required by FAR §121.391(a), the certificate holder must meet the following requirements:

- (1) The certificate holder shall ensure that:

- (i) The airplane engines are shut down;
- (ii) At least one floor level exit remains open to provide for the deplaning of passengers; and
- (iii) the number of flight attendants on board is at least half the number required by FAR §121.391(a), rounded down to the next lower number in the case of fractions, but never fewer than one.

- (2) The certificate holder may substitute for the required flight attendants other persons qualified in the emergency evacuation procedures for that aircraft as required in FAR §121.417, if these persons are identified to the passengers.
- (3) If only one flight attendant or other qualified person is on board during a stop, that flight attendant or other qualified person shall be located in accordance with the certificate holder's FAA-approved operating procedures. If more than one flight attendant or other qualified person is on board, the flight attendants or other qualified persons shall be spaced throughout the cabin to provide the most effective assistance for the evacuation in case of an emergency.

¹ Former §121.391(e) was rewritten as 121.393(b). 60 Fed. Reg. 65933, December 20, 1995.

The purpose of FAR §121.391(a) is to ensure that flight attendants are ready to conduct an emergency evacuation and to perform other safety duties while in flight. During an intermediate stop, § 121.391(b) recognize that flight attendants will perform other duties, change planes, etc. This provision acknowledges that an airplane parked at the gate with the door open is both less likely to require an emergency evacuation and, if necessary, is capable of immediate evacuation.

Proposed Amendment

ATA proposes adding the following new language to FAR §121:

§121.391 (e)

"During aircraft boarding, deplaning, or while passengers are on board, flight attendants required by this section may use the jet bridge phone, located adjacent to the aircraft, to communicate with company or airport personnel in order to perform safety, security and/or passenger service duties."

§121.393(b)(4)

"During aircraft boarding, deplaning, or while passengers are on board, flight attendants required by this section may use the jet bridge phone, located adjacent to the aircraft, to communicate with company or airport personnel in order to perform safety, security and/or passenger service duties."

Reason for Rulemaking

ATA requests this amendment because it is often necessary for flight attendants to communicate with gate or other company personnel during boarding/deplaning for a variety of safety, regulatory compliance and customer service reasons, as discussed below. Amending the rules as proposed would enhance safety and security for the traveling public. Using the jet bridge telephone in a timely manner would permit timely resolution of issues and problems where intervention is often necessary and time is of the essence. Those situations include:

Compliance With Government Regulations and Directives

Airlines are required to adhere to governmental rules from agencies such as the FAA, TSA, DOT, FDA and foreign agencies. Flight attendants may be called upon to help, and are required to help, ensure compliance with required programs such as positive bag match, exit row seating requirements, child restraint devices and carry-on baggage.

Potential or Actual Security Issues

Flight attendants must identify and immediately report customers who behave suspiciously, or in a manner that suggests a possible security concern. Additionally, situations involving seat duplications must be quickly resolved.

Disruptive Passengers

Disruptive passenger events, such as smoking on board, intoxication, unruly behavior and failure to comply with federal regulations must be addressed immediately when they arise. Disruptive and unruly passengers affect safety-of-flight and are therefore a detriment to the traveling public. Expeditiously removing unruly passengers from the aircraft when it is on the ground is in the public interest. In these situations, flight attendants must often coordinate their removal with station personnel and law enforcement officials.

Medical Emergencies

Critical medical emergencies during boarding and deplaning are infrequent but do occur. One carrier reports that in 2001, sixty percent of passengers saved through use of the Automated External Defibrillator occurred during the boarding process. In most cases, flight attendants are the first to respond to medical events that occur during the boarding and deplaning process. In this instance, timely communication may be critical.

Passenger Service Considerations

Unanticipated situations occur during boarding and deplaning that can require flight attendants to contact other company personnel, including the proper handling of unaccompanied children or other passengers requiring special assistance and resolving seat duplication problems. Also, during passenger boarding, it is not uncommon for unforeseen changes to occur regarding events beyond the control of the certificate holder, such as aircraft equipment problems, weather and ATC delays. To deal with these situations, flight attendants sometimes need to step outside the aircraft to use the jet bridge telephone.

In sum, permitting flight attendants to use the jet bridge telephone for these types of purposes during the boarding process serves the public interest.

No Adverse Effect on Safety

As noted above, FAA has already recognized that when the airplane is at the gate and connected to a jet bridge (or stairs) with the door open, an airplane is prepared for evacuation.² FAA also has noted that other crewmembers, mechanics, baggage handlers, security personnel and other ground personnel are available to assist in the event of an emergency.³ For these reasons, FAR 121.393(b) permits a reduction in the number of required flight attendants, regardless of the number of passengers remaining on board the aircraft, if certain conditions are satisfied.

The reasoning that justifies § 121.393(b) also justifies permitting a flight attendant to momentarily step onto the jet bridge and use the phone immediately adjacent to the airplane in order to perform safety, security and/or passenger service related duties. Prompt communication with company and airport personnel is critical to ensuring the safety and security of the traveling public. Without relief from FAR §121.391, flight attendants on an aircraft with the minimum crew complement can have difficulty communicating with ground personnel, which in turn can delay resolution of matters requiring immediate attention.

Finally, emergency evacuations at the gate are extremely rare.⁴ In the unlikely event that an evacuation becomes necessary while a flight attendant is using the jet bridge telephone, the flight attendant would be able to request immediate assistance, if appropriate or necessary, and immediately respond to the emergency. The flight attendant, being immediately adjacent to the aircraft door, would be able to execute his or her responsibilities to evacuate the airplane pursuant to the FARs. In addition, other airline personnel i.e., flight crew, maintenance technicians, baggage handlers, security personnel, gate agents, etc., may also be available to assist in the evacuation.

Possible Limitations

ATA recognizes that FAA may wish to impose certain limitations on operators when operating under the proposed amended rules. Reasonable limitations may possibly include:

- a) Limiting the exemption to aircraft with more than one flight attendant or other qualified personnel on board.

² FAR 121.393(b)

³ Id.

⁴ According to the NTSB database, there have been only five reports of emergency evacuations since 1/1/83 where 'Evacuation' was labeled as a finding, and the Flight Phase was 'Standing'. In that same time period, there have been over 137,343,000 departures.

- b) Allowing the minimum crew complement to be reduced by only one flight attendant.
- c) Requiring the jet bridge telephone to be immediately adjacent to the aircraft door.

A summary of this petition is attached. If you have any questions or need additional information, please call me at (202) 626-4012.

Very truly yours,

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SUMMARY

The Air Transport Association of America, Inc. (ATA), petitions the Federal Aviation Administration (FAA) for rulemaking to amend 14 CFR §121.391(a) and §121.393(b), to permit flight attendants to communicate with company or airport personnel via the jet bridge telephone located adjacent to the aircraft door for safety, security and/or passenger service related reasons during passenger boarding and deplaning.